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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,661	01/18/2005	Stephanus Josephus Maria Van Beckhoven	NL 020659	2187
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			YODICEKAS, ANEETA	
BRIARCLIFF MANOR, NY 10510				
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			10/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,661

Applicant(s)

VAN BECKHOVEN ET AL.

Examiner

Aneeta Yodichkas

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the appeal brief filed on 7/15/09, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,068 to *Obata et al.* in view of U.S. Patent No. 5,978,338 to *Nakamura*.

As to **claim 1**, *Obata* discloses a device for recording information on a disc-shaped record carrier, the record carrier comprising a track for recording information, the device comprising: a head (302) for scanning the track (Fig. 26A, column 17, lines 58-63, where the head is the optical unit (302) shown in the diagram); a read unit (348, 350) for retrieving information from the track via the head (Fig. 26A, column 18, lines 16-18, where the read unit is light receiving unit (348) and read amplifier (350)); a write unit (346, 344) for recording information in the track via the head (Fig. 26A, column 18, lines 14-16, where the write unit is laser (346) and write amplifier (344)); a mode control unit for switching the device either to a read mode or to a write mode (Fig. 26A-B, column 18, lines 9-12, where the host computer is the mode control unit for switching between the reading and writing modes); and a rotation speed control unit (336) for setting the rotation speed of the record carrier (Fig. 26A-B, columns 19-20, lines 53-61, where the rotation speed control unit is spindle control circuit (336)),

Obata is deficient in disclosing the rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection.

However, *Nakamura* discloses a rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection (Fig. 5-7, column 5, lines 31-47, where the two speed settings are the octuple track address clock (8TACK) and double track address clock (2TACK) and it is dependent on the rotation speed during recording).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to have modified the device for recording and reading information to and from a record carrier comprising a read and write unit as taught by *Obata* by including a speed setting for read mode that is dependent on the speed setting in write mode as taught by *Nakamura*. The suggestion/motivation would have been in order to be able to reproduce both constant angular velocity (CAV) and constant linear velocity (CLV) recorded disc types using either CAV or CLV reproduction methods (*Nakamura*, column 2, lines 41-67).

As to **claim 2**, *Obata* is deficient in disclosing the device, wherein the speed control unit controls the speed of the record carrier during recording according to a constant linear velocity (CLV) profile.

However, *Nakamura* discloses the device, wherein the speed control unit controls the speed of the record carrier during recording according to a constant linear velocity (CLV) profile (Fig. 5-7, column 5, lines 31-47, where recording is performed

using constant linear velocity). In addition, the same motivation is used as the rejection in claim 1.

As to **claim 3**, *Obata* is deficient in disclosing the device, wherein the speed control unit controls the speed of the record carrier during reading according to a constant angular velocity (CAV) profile.

However, *Nakamura* discloses the device, wherein the speed control unit controls the speed of the record carrier during reading according to a constant angular velocity (CAV) profile (Fig. 5-7, column 5, lines 31-47, where reading is performed using constant angular velocity). In addition, the same motivation is used as the rejection in claim 1.

As to **claim 4**, *Obata* is deficient in disclosing the device, wherein the speed selector comprises a lowest speed setting for the read mode for a rotation speed substantially above the lowest rotation speed in the write mode, and/or a highest speed setting for read for a rotation speed substantially below the highest rotation speed in the write mode.

However, *Nakamura* discloses the device, wherein the speed selector comprises a lowest speed setting for the read mode for a rotation speed substantially above the lowest rotation speed in the write mode, and/or a highest speed setting for read for a rotation speed substantially below the highest rotation speed in the write mode (Column 3, lines 1-18, where the frequency, or speed, of the data reproduced, or read, is higher than that of the speed at which it is recorded, or written). In addition, the same motivation is used as the rejection in claim 1.

As to **claim 5**, *Obata* is deficient in disclosing the device, wherein at least a number of the speed settings are at predefined rotation frequencies having at least one predefined rotation frequency interval.

However, *Nakamura* discloses the device, wherein at least a number of the speed settings are at predefined rotation frequencies having at least one predefined rotation frequency interval (Fig. 5-7, column 5, lines 31-47, where the reproduced frequency varies). In addition, the same motivation is used as the rejection in claim 1.

As to **claim 6**, *Obata* discloses the device, wherein the speed control unit accommodates a write rotation speed range for recording in which the highest speed is substantially 2,5 times the lowest speed, and the speed selector selects one of 4 speed settings for the read mode (Fig. 26A-B, column 19, lines 53-66, where there are five different speed selections).

As to **claim 10**, *Obata* and *Nakamura* disclose similar limitations as those in claim 1 above.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,068 to *Obata et al.* in view of U.S. Patent No. 5,978,338 to *Nakamura* as applied to claim 1 above, and further in view of U.S. Patent No. 5,844,869 to *Suenaga*.

As to **claim 7**, *Obata* and *Nakamura* are deficient in disclosing the device, wherein the device further comprises a write buffer for storing information to be recorded, and wherein the mode control unit switches the modes in dependence on a filling degree of the write buffer.

However, *Suenaga* discloses the device, wherein the device further comprises a write buffer for storing information to be recorded, and wherein the mode control unit switches the modes in dependence on a filling degree of the write buffer (132) (Fig. 3 and 4, column 8, lines 15-60, where the write buffer, or recording buffer (132) is full, the data is transferred to the disk drive (170) to be read).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to have modified the device for recording and reading information to and from a record carrier comprising a read and write unit as taught by *Obata* and *Nakamura* by including a buffer in which depending on the filling degree the mode switches as taught by *Suenaga*. The suggestion/motivation would have been in order to switch from writing to reading mode at an appropriate time so as to reproduce audio and image data at the same time so that they are synchronized (*Suenaga*, column 3, lines 39-44).

As to **claim 8**, *Obata* and *Nakamura* are deficient in disclosing the device, wherein the device comprises a video encoding unit for receiving video data and providing encoded video as information to be recorded via the write buffer.

However, *Suenaga* discloses the device, wherein the device comprises a video encoding unit (112) for receiving video data and providing encoded video as information to be recorded via the write buffer (113) (Fig. 3-5, column 8, lines 6-10, where the compression processing circuit (112) encodes image or video data to write onto recording, or write, buffer (113)). In addition, the same motivation is used as the rejection in claim 7.

As to **claim 9**, *Obata* and *Nakamura* are deficient in disclosing the device, wherein the mode control unit controls the write unit to record a first continuous stream of real-time information via the write buffer, at the same time, controls the read unit to retrieve a second stream of real-time information by alternating the write mode and the read mode.

However, *Suenaga* discloses the device, wherein the mode control unit controls the write unit to record a first continuous stream of real-time information via the write buffer, at the same time, controls the read unit to retrieve a second stream of real-time information by alternating the write mode and the read mode (Fig. 3-5, columns 9-10, lines 23-3, where the first continuous stream of real-time information is recorded image data (V1) and recorded audio data (A1) and the second stream of real-time information is recorded image data (V2) and recorded audio data (A2) and they are recorded and read by alternating between write and read mode). In addition, the same motivation is used as the rejection in claim 7.

Conclusion

The prior art made of record (see attached PTO-892) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aneeta Yodichkas whose telephone number is (571) 272-9773. The examiner can normally be reached on Monday-Thursday 8-5, alternating Fridays, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/
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/A.Y./
10/15/09